

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Mar 04, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Augustus Johnley

Case Number: 0980 2:18CR00003-TOR-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: December 19, 2018

Original Offense: Failure to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 18 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: May 22, 2019

Defense Attorney: Alex B. Hernandez, III.

Date Supervision Expires: May 21, 2024

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition #7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Johnley is considered to be in violation of his supervised release conditions by failing to report to Merit Resource Services (Merit) for urinalysis (UA) testing on February 23, 2021.

On May 22, 2019, a U.S. probation officer met with Mr. Johnley upon his release from custody. Mr. Johnley reviewed and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On July 10, 2019, Mr. Johnley reviewed and signed the substance abuse testing instructions acknowledging his understanding of the testing program. He was instructed to call the Merit Merit's color line system. When his designated color is called, he is to report to Merit and submit to a drug screen.

Prob12C

Re: Johnley, Augustus

March 4, 2021

Page 2

On March 2, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on February 23, 2021.

2

Special Condition #7: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Johnley is considered to be in violation of his supervised release conditions by consuming a controlled substance, methamphetamine, on or about February 8, 2021.

On May 22, 2019, a U.S. probation officer met with Mr. Johnley upon his release from custody. Mr. Johnley reviewed and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On February 8, 2021, Mr. Johnley reported to Merit for UA testing. The specimen provided by Mr. Johnley was presumptive positive for methamphetamine. Mr. Johnley denied consuming methamphetamine. The urine sample was sent to the Alere Toxicology Services (Alere) laboratory for confirmation testing.

On February 17, 2021, Alere reported the results to be positive for the presences of methamphetamine.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: 03/04/2021

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other


Thomas O. Rice
United States District Judge
March 4, 2021
